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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/071,021	05/01/98	BRUNO	R 20-21-26-22-

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WM02/1221

EXAMINER	
LOGSDON, J	
ART UNIT	PAPER NUMBER

2662

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DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/071,021	BRUNO ET AL.	
	Examiner	Art Unit	
	Joe Logsdon	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 7-15 and 17-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-5, 7-15, and 17-20 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are objected to by the Examiner.
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). ____.
 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)
 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 20) Other:

Claim Objections:

1. The claim objections are withdrawn.

Claim Rejections–35 U.S.C. 112, Second Paragraph:

2. The rejections of claims 1, 8, 9, 18, and 19 under 35 U.S.C. 112, Second Paragraph are withdrawn.

Claim Rejections – 35 U.S.C. 102(e):

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 4, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Skoog. Skoog discloses a device (called a signaling gateway) that uses a common channel signaling protocol, such as SS7, to allow networks or devices that traditionally do not receive signaling information to control the networks they are accessing. This control is accomplished by using the signaling information received from the signaling gateway and the signaling sent to the signaling gateway to select desired resources belonging to the accessed network. As described in

Skoog (see, e.g., column 10, line 66 to column 11, line 20), the signaling gateway allows a non-traditional endpoint to request a particular service or network connection element (“agent” in the application) by providing the non-traditional endpoint with signaling information when it tries to access a network element. “Signaling” is defined by Skoog to include availability information such as whether the called party is busy or idle (column 1, lines 15-20).

The device disclosed in Skoog comprises a unit that serves as an interface for two different signaling protocols, where one such protocol is used by one user and the other is used by another user; a unit that serves as an interface between two links with different speeds, where the first link is used by one user, and the second link is used by the other user; and a unit that controls the exchange of information between the other two units (column 4, lines 45-60). The device is able to receive and process calls from disparate telecommunications networks (column 4, line 61 to column 5, line 9). Because callers can control the switching resources, the device inherently provides information on the called parties to the calling parties (column 5, lines 2-6). Although Skoog states that signaling information is provided to callers, Skoog does not explicitly state that this signaling information comprises availability information. Examiner takes Official Notice that devices that provide information to calling parties on the status of the called parties, i.e., signaling information, typically provide the callers with information concerning the availability of the called party, e.g., whether the called party is busy. If the called party is not busy, the invention in Skoog ultimately connects the call between calling party and called party (column 9, lines 36-40; column 10, lines 6-13).

Figure 1 of Skoog shows a signal control point (SCP) 22, which can provide address translation and routing information to STP 18 (column 8, lines 35-40; column 9, lines 54-60).

This signaling information can then be sent to the signaling gateway device, which uses the information to set up the connection between the two networks (see, e.g., column 9, line 54 to column 10, line 32). The signaling gateway device then communicates this information to the requesting network (called an “access element” in Skoog). Because the invention in Skoog provides address translation and routing information that results in call connection, the invention in Skoog inherently “determines the at least one” called party. When all callers have the same priority, whether a connection is made between a caller and the called party is inherently based in part on whether the called party is available, i.e., whether the called party is busy. When the callers have different priorities, the invention of Skoog can base its decision in part on availability of the called party, where the availability depends on priority of the caller (column 12, lines 22-36).

Claim Rejections—U.S.C. 103(a):

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2, 3, 5, 7-10, 12, 13, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoog.

With regard to claims 2 and 12, the signaling gateway device disclosed in Skoog comprises a signaling gateway control unit (SGCU) that a user can use to access a desired service or network connection of another network. The signaling gateway device may provide information on availability of a destination address to the requesting user (see, e.g., column 10, lines 43-51). Skoog fails to teach that the SGCU contains a memory that stores availability information. It would have been obvious to one of ordinary skill in the art to modify the invention of Skoog so that the SGCU contains a memory that stores availability information that is updated every time the availability of agents changes because such an arrangement would allow updated information to be provided more quickly to network users, and less signaling traffic between the SGCU and the controlled network would be required.

With regard to claims 3 and 13, Skoog teaches a signaling gateway that uses SS7 signaling (claim 9).

With regard to claims 5 and 15, Skoog teaches that the SCP (referred to as "NCP" in the application) determines a route based upon any number of possible criteria, some of which are listed in claim 15 (column 9, line 54 to column 10, line 13). Skoog fails to teach that the SCP is

required to be part of the signaling gateway. It would have been obvious to one of ordinary skill in the art that the SCP can be included as part of the signaling gateway device and that this arrangement would be advantageous because the SCP could more easily deliver such information to the SGCU, which would then forward information to the requesting user (see, e.g., column 8, line 64 to column 9, line 23). It would also have been obvious to one of ordinary skill in the art that the criteria listed in claims 5 and 15 could be used to determine the route and that such criteria would offer the advantage that they enhance the quality of service and enable resources to be allocated efficiently.

With regard to claims 7-10 and 17-20, Skoog fails to teach that at least one telecommunications network is an NCP architecture network; that the NCP architecture network is circuit-switched; that the NCP architecture network is an ATM network; or that at least one of the telecommunications networks is an Internet resources network. It would have been obvious to one of ordinary skill in the art to use at least one of these types of networks in the invention of Skoog because the specification in Skoog does not exclude them as possibilities and because many networks of these types already exist, and it would be desirable to provide these networks with the benefits of the invention of Skoog.

Response to Applicant's Comments:

8. Applicant claims that Skoog fails to teach or suggest that an agent is determined based on the availability of the agent as well as one of an agent skill level and a most idle agent criteria. Examiner disagrees; details are provided in the rejections above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-6743

For informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Joe Logsdon

Patent Examiner

December 7, 2000



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